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Class (7.7)

L E T T E R

TO THE

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TO THE
FREE BURGESSES
OF THE
CORPORATION of *LIVERPOOL*.

GENTLEMEN,

 BELIEVE you will readily allow that if I had sat easy and quiet under the Direction and Management of your public Concerns, as a Member of the Common Council, I should have remained to this, and to the end of my Time, peaceably, and undisturbedly, in the enjoyment of my Seat; and that the Ground and Reason for my Exclusion would have been so far from taking place, that it would not have been so much as thought of.

I might have peaceably been a Witness to the Chains of Vassalage being as effectually rivitted upon you, as they were upon your Predecessors, by a Charter-Grant obtained after an illegal and surreptitious Manner, in the Reign of King *Charles* the Second; and if you look back to the memorable Year 1751, in which Alderman *James Gildart* was your Mayor, you will find, That as the Charter of King *Charles* the First was the strong Barrier, and Defence of the Burgesses Rights, and that there was no legal Power to divest or dispossess them of them; but that a clandestine and lawless Application to King *Charles* the Second

cond was the Means whereby to accomplish that End; so the like lawless and unwarrantable Attempt was then secretly made, to dispossess you of the Rights restored to you by the Charter of King *William*, to the lasting Reproach of your Town-Clerk, and others in the Secret of so destructive a Scheme, alike clandestinely attempted to be carried into Execution. The principal End and Design I have in View, by this Publication, is, in the first Place, to furnish you with some Hints, whereby to form a Judgment, whether the Expences hitherto, and yet to be incurred, by carrying on the Design of depriving you of your Charter-Rights, are to be taken out of your Public Stock? That is, Whether the Town-Clerk intends to flog you with your own rod? And secondly, To apprize you of the Steps lately taken to whip me upon your Backs, and thereby be better enabled to whip you out of your Rights and Privileges, as Free Burgesses.

In order to my doing so, Permit my rather refreshing your Memories, than mentioning what is new to you, and then I hope I can convince your Reason, (which is the Bar I appeal to) that a Day of Reckoning is at no great Distance, and which it is in your Power to hasten, and likewise that Cash may not be paid out of the Stock of the Corporation; but that another Fund must be applied to, in order to answer those Purposes.

Many of you may, (and old Mr. *Gildart* I am sure does) remember, that the Sum of Seven Hundred and Ten Pounds was borrowed from Mr. *Colquitt* in 1734, then Collector of his Majesty's Customs: This Sum was either borrowed for the Use of the Corporation, or to answer some other Purposes: As Money raised about that Time by Subscriptions, was some of it applied in Aid of that Debt, which carried a growing Interest upon it, consequently it engaged a Necessity to consider of Ways and Means, in Order to the Discharge of it. Therefore, in 1736, an Application was made to procure a Renewal of the Patent for the Prizage upon Wines imported.

When a Warrant was obtained, and before the Patent was made out, Mr. *Gildart* advised his Friend how far they had succeeded, (whose Letter I have already furnished you with a Copy of) therefore shall now only extract a Paragraph or two out of it, as being sufficient for my present Purpose. ' We intend it to be (that is the new Patent) in the

Mayor

Mayor, Aldermen and Common-Council; the last was Mayor, Bailiffs, and Burgeſſes, which makes the Diſpute. If we have it as we intend, we can then diſpoſe of it to what Uſe we pleaſe, and by it I hope, pay all our Law-Debts, and be a good Refuge on any Occaſion, as we may want it.

Theſe Paragraphs cannot, I think, avoid appearing to you expreſſive of Foreſight, and a premeditated Scheme laid for the Payment of Law-Debts, out of what really is, and ought to be, the Public's Property; becauſe the Priſage-Revenue was, and during the Term of the Patent, veſted in the late Earl of *Derby*, and by him made a preſent of as a Perquiſite to the Mayor for the Time being; but in Lieu of it, by this Scheme, he was to be allowed One Hundred Guineas, and that by a ſubſequent Order of Council, during only their Pleaſure, as a Check upon his Conduct, and it is in the Council-book minuted; ſo that your Public Eſtate was not only to be cheated out of that Income, in Order to be a Fund for the Council to battle you with, if at any Time you ſhould oppoſe their Meaſures; but your Public Eſtate was ſaddled with the annual Payment of a hundred Guineas into the Bargain.

The Law-Debts were contracted by a Suit depending between the Common-council and the Burgeſſes, and brought to a hearing at Lancaſter, where the late Mr. *Brooks* and Mr. *Pritchard* appeared to be illegally appointed Bailiffs, and acting as ſuch, failed in their Defence, and were one or both of them fined.

The Expence in Law, and other Charges, amounted to a conſiderable Sum, which was not brought to any open Account in the Corporation's Books, and I dare ſay, Alderman *Poole*, by a gentle Rub of his Memory, (if he pleaſes) can juſtify what I relate, and be more particular, as to the Occaſion of the Diſpute, than my Memory enables me to be.

From theſe concise Paragraphs in the old Gentleman's Letter, you may remark, that it was a material Point to have the Burgeſſes no way intereſted in the Priſage-Grant; for by being ſo diveſted of it, the Power of diſpoſing of its Revenue veſted ſolely in the Mayor, Bailiffs, and Common-council, and by thus becoming their Property, would, without room for Diſpute, be thought a good Refuge on any Occaſion, as it might be wanted. By the Account ſettled with Mr. *Brereton* and Mr. *Gildart* in 1744 by Mr. *Colquitt*, who lent the Money in 1734, (to

which I refer) it appears how the intended Scheme was carried into Execution, and the old Gentleman, in the Close of the Letter, (Part of which I have recited) lays a strong Injunction upon his Friend, to keep it an absolute Secret, by mentioning the fatal Consequences that must attend the Discovery of it.

I well remember that in the public Council-Assembly, when the Prizage Affair happened to be mentioned, a late Alderman declared his Opinion, That it was necessary to have a Fund to apply to, if the Common-council should be called to Account, and he there charged me with having told him (in more private Conversation) I hoped it would be so; I acknowledged I had expressed myself after that Manner, and I now further hope that there is not one Burgess in Town can believe, I have repented making use of that Expression to this Day.

While there is yet near 800 l. due and owing to the Public Estate, from the Prizage-Money *only*, for any thing yet known to the contrary, as I have already explained, I hope the mention of it may not be quite unnecessary, or unreasonable; it is of too much Consequence to the Public, yet to lie dormant; therefore permit me to introduce one further Remark, which is, that Mr. *Gildart*, in his Letter before recited, says, *By it we can pay our Law Charges*. The Corporation, as such, had no Suit depending at that time, nor for a great many Years before, not even in my Remembrance, except about the Validity of the Charter, towards the latter End of the late Queen *Anne's* Reign, and since that, about the Appointment of a Rector, when the Common-council quarrelled among themselves; therefore the *Law-Charges* referred to by the Title given to the Ballance of the Prizage Account, settled in Mr. *Crosbie's* Mayoralty, and mentioned as being paid to Mr. *Peters*, on Account of Law-Charges, must be Money expended in Defence of Mr. *Brooks* and Mr. *Pritchard* acting as Bailiffs; and I beg leave further to observe to you, that in settling this Accompt, the Committee appointed for that Purpose (and the Mayor one of them) were cheated out of five Years Income of the Prizage-Revenue, amounting to 269 Pounds, which, at the Time of my being expelled the Council, Mr. *S. Colquitt* lapped up snug under the Cover of the *Statute of Limitation*; and likewise when the said Account was settled, the Mayor (though he was one of the Executors of Mr. *Peters's* Will, and principally concerned in adjusting Matters)

was inadvertently brought in to allow the above-mentioned Ballance to be so titled, though there could be no Account of that Kind open in his Books, consequently no Money paid.

This was a private Affair between the Council and the Burgesſes, Mr. *Gildart*, I dare ſay, knows it very well, his Interest, (excluiye of Honour and Honesty,) was immediately concerned at that Time, and he likewise knows, the Expence *durst* not be publickly brought to Account; and what is now depending is of the like Nature and Import; I challenge the Town-Clerk to bundle up a Heap of Law to confute my Assertion, unless, according to Custom, covered by an Opinion upon a Case, too scandalously stated to bear being produced.

Now, Gentlemen, please to consider, that if in the Time of the Council's greater Power, and your much greater Ignorance of the constitutional Laws of the Corporation than at this Period of Time, the Common-council *durst* not publicly apply the Public's Money; Can it enter into your Imaginations to suppose, they can justify their doing it now, to defend such Conduct as is openly destructive of your Rights and Privileges established to you by Charter? No; that very constitutional Power which they are attempting to set aside, is also the very Basis and Foundation upon which themselves subsist as a Common-council.

Don't mistake me, Gentlemen, I am not referring to my own immediate Case, that is before a Court, the Judgment of which, it is far from being my Design to predetermine.

What I now mention proceeds from a Desire to dispel unnecessary Fears of being whipped with your own Rod; I hope there are several Gentlemen in the Council, who will permit no such Work, unless overpowered by a Majority; tho' they may decline looking into Affairs transacted before their Day; however, it may not be amiss, if they please, to look into the Record Books, and try if they can find any Sums of Money paid, or ordered out of the public Stock to defend the Legality of King *Charles* the Second's Charter: But they may very possibly stumble upon an Order of Council, for the Burgesſes who opposed the oppressive Measures sheltered under it, being repaid their Contributions, or what else they will please to term them, I mean the Money advanced for that Purpose, and the Amount of it, I am not a Stranger to.

I can refer them to *Norris's Case*, who no doubt thought he was very well advised by his Friends, how legal and upright his Conduct would appear by pursuing their Advice; however, the Consequence was the Ruin of his narrow Fortune, thrown in Goal, deserted by them in his Extremity, and died soon after.

When nine Years Accounts depending and unsettled (for any thing you know to the contrary) are drawn out and laid before you, (a Privilege you may readily compel a Compliance with, if scrupled) Statutes of Limitation, and such like frightful Phantoms will soon disappear; Committee Orders and Opinions unsupported by the Sanction of *Council Orders*, will prove rickety and lame Pedestals for the Treasurer's Payments to stand steadily upon; you will be able to garble out several Items, which as they now stand make a strutting Figure; you may lay the Dust raised by the Wheels of arbitrary Power, and make the Distinction between those who are Rulers and Governors, and who are only Guardians and Trustees, plainly to appear.

The Boast of the prisage Affair being no more the Object of the Council's Attention will cease to be bellowed out, and setting the Mayor, the Common-Council, nay, all the Burgeesses at Defiance (immediately after the Order of Council for my Expulsion was read, and before I retired from the Council-Chamber) was exulting too early; I did not expect that my Exclusion could be of that Weight and Moment, as to become an Act of Grace for any Man, and an Exemption from doing the Public Justice.

It needs not to be any Matter of Surprize to you, that Vacancies in Council go a Begging, Reasons are easy to be assigned, why so many refuse to accept the Trust; Can a conscientious Gentleman solemnly invest himself with that, in the Discharge of which he must either behave in known Contradiction to the Constitution he ought to support, or disoblige those who invite his Acceptance of it? Some Gentlemen of the corporate Body have expressed themselves so uneasy, as to wish they were clear of it, while others are *secretly* inviting particular Persons to accept.

If nothing is amiss what occasion for Uneasiness? Can it be so much as conceived, that a Person unworthy of their Notice and Regard, can any way contribute to make them so? Something then there certainly is, Honour

nour and Reputation must be brought to the Touchstone; it is the Duty of Guardians, neither to plunder themselves, nor on any Pretence whatever to suffer others; for that would be playing a Game in which a Knave is allowed to be the best Trump, and then it would be discovered after what Manner the Game has been played.

YOUR PROTEST against Measures which you have signified your Disapprobation of, will be of Force and Efficacy to bring you out of that State of Thralldom under which you have long laboured; for if it is of no Weight or Effect, why are not the Public's Tenants by a due Course of Law, compelled to pay the Money which they acknowledge to be justly due and owing to the public Estate; I think I can give a Reason for it, which perhaps the Town-Clerk's Caution or Modesty as Things now stand prevents his chusing to assign; which is, because you, as well as himself, with some Gentlemen of the Council, now know that without a By-law made constitutionally, that is, *by the Mayor, Bailiffs, and Burgessees*, they cannot warrant compulsive Measures; and that the Mayor, Bailiffs, and Burgessees, are the Constitution, and not the *Mayor, Bailiffs, and Common-Council*, if one Link is broke, the whole Chain of arbitrary Power is set aside and rendered useless.

I know a Gentleman, whose Prudence, Foresight, and Caution, you are no Strangers to, and who is a Member of the Common-council, has called in a Thousand Pounds he has at Interest, and that another Gentleman of the Body has agreed to pay it; as this has been done since the Date of the Protest, I am humbly of Opinion, the Gentlemen will give the Preference to an Assignment of the Bond over to him, rather than have it cancelled, and take the common Seal as a fresh Security for the Money; nor is it to be wondered at, after the Town-clerk publicly in the Council-assembly, objected to the Accounts of the Corporation (after being settled) to be made public, least doing so should affect public Credit, as it would then be unknown how much the Corporation Estate is in Debt; strong Reasoning I own, and truly worthy of so high a Genius; he could scarcely have framed Words more effectually to injure that Credit he seems so very tender of; but I dare say, he could have assigned a much stronger Reason for not having the Accounts made public, as he had no Reason to think otherwise, than that a Number of Items in his Account would not pass Muster under the Scrutiny of the Burgessees so readily

readily as under a Committee of the Council only ; I can easily title a Number of his Articles, tho' I cannot tack the Sums to them which they will amount to. The Town-clerk's Caution, whereby to prevent public Credit being injured, leads me to consider, whether every other necessary Step is taken for that Purpose ? Whether the Debts owing to Persons employed to do the Corporation's Business are discharged in a reasonable and fair Time ? Even Tavern Scores for Quarter Sessions Entertainments, and other scheming Interviews for more private Business are become long outstanding Debts ; but when such Sums of Money, as I have already made mention of, and others, which, when the Town-clerk brings his Mandamus for me to discover (and which I am ready to pay Obedience to without applying for farther Time) make a proper Appearance, that is on the Debit side of the Treasurer's Cash-book, it is my Opinion, there will be no want of Money to pay off just Debts, and thereby relieve many Families, who make their cautious Complaints of the Distresses which for want of it they labour under, and thereby revive public Credit without going to the Interest-market, and thereby encrease the Debt. I have known the Time, when Persons were so eagerly desirous to have Corporation Security for their Money, that the Gentlemen of the Council have been ready to quarrel, whose more particular Friend was to have the Preference.

I have known the Time, when Money intended to be called in, and Persons who accidentally heard it, have paid it off, and taken such Person's Bond up as a Security for having their Money lodged in the Room of it.

There are Gentlemen of the Council, who (if they like the Security) have Money to dispose of.

Whether the Protest does, or does not clog the Wheels of Desire, to have the common Seal as a Security, I do not say ; but in my own Imagination I cannot assign a stronger Reason ; and what old Mr. *Gildart* has often said in Council, may be now more publicly known, that as Matters were managed the Council would soon be necessitated to take up Money to pay the growing Interest : This is a hard Saying I acknowledge, and would not have come from me, but that I think I mention the Authority of one, who may be very much depended upon, being well known to have close Connections with the public Estate, and consequently a good Judge how Affairs really stand.

You

You know, Gentlemen, that the late Mayor appointed a select Committee of the Gentlemen of the Council to meet a like Number of Gentlemen not of the Body to hold Conferences relating to the Constitution of this Corporation; a Report of what were the Subjects, with the Reasonings upon them was drawn up, subscribed by the Gentlemen deputed by the Burgesſes, and afterwards published; whereby it appears the Gentlemen's Arguments in Favour of the Council's Measures were clearly confuted, and not a Syllable has been mentioned in Contradiction to their Report. However the Measures not capable of being defended by Reason and Argument have not been altered; but your hum-drum Town-clerk in order to maul me, has by the Depth of his Penetration hit upon a Scheme, which he made not the least Doubt would answer his Desire and Expectation; he draws up (or rather got Help to do it) a Case of some Sort, which (like his Father's Letter to his Friend, advising after what Manner the Burgesſes were to be cheated out of the priſage Revenue) was to be kept a great Secret.

The Day before the Council were to meet, and at which Meeting the great Feat of voting me from being a Member was to be performed, he went to Alderman *Trafford* to furnish him with Materials, out of which to frame a Speech, to be delivered previous to the pronouncing what was to be my Fate; and he said more to spirit up the Gentlemen of the Council to vote my Exclusion, than I ever knew him say to serve the Interest of the Corporation.

However, I lay no particular Blame to his Charge; for tho' he represented me as a Disturber of their Measures, and not at all likely to cease doing so, (in which he judged right, until I saw an Alteration in the Pursuit of them) yet he might have a farther Reason for recommending my Expulsion, as considering he was paying off an old Debt; for if I remember right, he was the leading Gentleman in handing his Petition to the Council for about forty Yards of the Ground about the old graving Dock; upon which the remaining Part was by several immediately applied for, and the last Petitioner had only a conditional Promise, which was in Consideration that it would hold out in Measurement; but before any Thing farther was done about it I became the humble Petitioner for the whole Plot with Success; upon my Motion, that it might be planned out and sold in Lots by Auction, thinking by that Method it would bring more

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Money

Money to the Corporation Estate, than by being sold to the Gentlemen of the Council only : For, as Alderman *Steers* had before that obtained a Grant for as many Yards as could be conveniently spared at forty Shillings *per* Yard, I was of Opinion the Gentlemen would not make one another harder Bargains than they had made to the Alderman ; and according to that Estimate the whole remaining Part would not have fetched eight hundred Pounds ; but by selling it at public Cant the Value of it amounted to Three thousand two hundred forty-six Pounds ten Shillings, reserving a customary Ground Rent of twelve Pence *per* Yard yearly to the Corporation ; however the Gentlemen of the Council have no Reason to consider themselves Debtors to the Alderman, for they have obliged him with Favours of one Kind or other, which may be considered as ample Pay for a whole dozen of Speeches.

After my Expulsion from the Council, I sent a Protest against what I apprehended to be an illegal Proceeding to the Deputy-Mayor, which I have heard was read in the Council Assembly ; and upon the 18th of *April*, (a few Days after the Beginning of Term) I sent up an Affidavit to be laid before the Court of *King's Bench*, signifying the sole Reason given by the Common-council for my Exclusion, with the Copy of their Order annexed to it ; a Writ of *Mandamus* was moved for upon it, and readily obtained, agreeably to the Opinions of two eminent Counsellors, who had the Case laid before them previous to an Application to the Court.

The Writ came down upon the 28th of *April*, and the Deputy-Mayor was served with it the same Day, and the Town-clerk with a Copy of it ; by it there was Time given to the 26th of *May* to make the Return ; but no Return being made, a Rule was obtained, giving them farther Time to the third of *June*, and upon the Motion of Counsel farther Time until the 13th Day of the same Month ; upon the 14th (the Day on which the Term ended) Counsel moved the Court for farther Time, alledging it could not be ready, it being long and special, therefore could not be prepared, so the Court has given to the first Day of next Term, which will be upon the 6th of *November* to make the Return in.

I am thus Particular in mentioning Proceedings, that in the first Place you may be assured no Step has been neglected on my Part to be taken ; for as they are your common Rights I am endeavouring to support, so it is
necessary

necessary you should not be Strangers to the Measures I have hitherto pursued; and, in the next Place, you will be more easily enabled to form an Idea of your Adversary's Proceedings; I call the Town-clerk your Adversary, not mine (only for your Sakes) for the Night he served me with the Order for my Expulsion from the Council in Form, it was with so much Reluctance and Concern he paid me so disagreeable a Visit, that he largely apologized for it, and if I had not pressed him to be easy, and abate his Concern, who knows what might have been the unhappy Consequence, the grand Deceiver might have left him in the Lurch, and thereby brought on a swooning Fit.

Therefore it is not me for my own, but for your Sakes, (as before hinted) that I am a stumbling Block in his Way; for the same Evening he paid me very handsome Compliments, he assured me, that I had a better Knowledge of the Constitution of the Town than any other Member of the corporate Body; and that he was indebted to me for the more extensive Knowledge he had attained to himself, of those Laws; he was so indulgent to propose some conditional Terms of Accommodation, which had I chose to comply with, I am strongly of Opinion I should have had no Occasion to apply to the Court of *King's Bench*.

Now, if my Knowledge of the constitutional Laws of the Corporation is what your Town-clerk has been pleased to declare; then I think I may fairly and justly draw this Conclusion; that a perverted Sense and Meaning of the Charter is not only aimed at but made a Handle of to worm you out of your just Rights.

The Writ is directed to the Mayor, Bailiffs, and Common-council, so that the Return must be theirs; yet there has not been a Council held, either on the first *Wednesday* in the Month, or by Summons since the 21st Day of *April* last to this Date.

There are but two Points on which the Legality or Illegality of my Exclusion must depend before the Court, neither of which (I dare say the Town-clerk is by this Time satisfied) will bear an Argument, except in the same Place where he first started his Law, and fathered it upon a Gentleman, who disowns his being the Parent of such a base begotten Brat.

Your Town-clerk's Law Talents (if you can be so far mistaken as to believe he has such) are now employed in shifting and evading to have his

Case and Opinion brought to the Test, which can be no promising Sign of a good and reputable Cause: However, he thereby brings the Mayor and Council into a Situation, which I believe they will have no Reason to thank him for unless they desire to appear *publicly Enemies to the Burgessees.*

The Town-clerk finding that a Return made to the Writ of Mandamus will not reach his Wishes; there must be Application made for farther Time; from the 28th of *April* to the 14th of *June*, was not Scope enough to consider, whether the sole Reason assigned for excluding me from a Seat in Council was or was not to be justified.

Is this a proper Manner of doing Justice, and shewing a Desire to make it the Rule of Conduct? No; it is a poor evasive Way of having it delayed, and suffering the Concerns of the Town to stagnate, whereby the Burgessees are Sufferers in many Respects.

After your hearing a Gentleman addressing *the Merchants, principal Tradesmen, and Freemen of Liverpool*, with Assurance, that if they thought him a proper Person to fill the Seat of chief Magistrate, he would testify the Sense of the great Honour and Confidence they might repose in him by administering impartial Justice, supporting the Rights and Privileges of the Burgessees, and maintaining good Order on all Occasions, and thereby acknowledging a due Remembrance of the Confidence reposed in him, whereby to be intitled to their Favour and Regard. And after these Assurances given, a Subscription entered into by a considerable Number of the principal Merchants, (with the Town-clerk among them,) to the Amount of Three thousand Pounds to bribe the Burgessees into the Enjoyment of this paradisaical State, (a Happiness they have been long Strangers to) if less powerful Motives should fail to support the Invitation; What less could you rationally expect from such Assurances, than that arbitrary Power would be knocked down like an Ox, and the iniquitous Consequences of it made a Sacrifice of like a fatted Calf? But, instead of this to be Witnesses of this Gentleman (divested of all personal Malice towards or Contempt of me,) I am bold to say so, because I have his Word and Honour to rely upon; by some Means or other induced to bring me before the Council without the least previous Notice or Intimation; not to receive a Charge, (the Right of the most atrocious Criminal,) but to hear a Declamation succeeded by an Order, which thereby immediately deprived me of my Freehold,

hold, with the Immunities dependent upon it: This Step I presume according to the Town-clerk's Law, may not be improperly termed a *Welsh Ejectionment*.

This Conduct and Behaviour is nothing less than setting up an *Inquisition* in the Common-council, for judging and condemning a Person in Contradiction to Law, Reason, and good Conscience, for the Sake of enabling them to persist in Practices, which they know to be illegal, and which they have not attempted to justify; and which the solemn Oath, which they take at their being admitted Members, they likewise know expressly forbids; permitting the Town-clerk to be the grand Inquisitor, and thereby introducing a Custom in *Spain* and *Portugal* as a Pattern for their own Imitation.

This, Gentlemen, is the Way after which I have been treated, and the Worshipful the Mayor, as presiding over your public Concerns, made the principal Actor.

In my Case, no one can be justly deemed a Criminal, and have Sentence (the Consequence of Guilt) passed upon him, but at that Bar, before which I am necessitated to bring the worshipful the Mayor of *Liverpool*; However, notwithstanding this Treatment, I consider the Gentleman, so free from a malevolent Disposition himself, as not to suspect it in others, especially where his Authority as a Magistrate, should justly command a Restraint; far from pluming himself upon his Knowledge of the constitutional Laws of the Corporation, and therefore too modest to depend upon the Rectitude of his own Judgment to determine in Points relating to them; but placing a mistaken Confidence in the Opinion and Judgment of the Town-Clerk; which, to him as a public Magistrate, and the immediate Representative of his Majesty in this populous Corporation, should not only be sincere, but accompanied with sound Knowledge (which ought to be purchased, rather than wanted) to prevent any Slur being put upon one invested with so public a Character and Trust as the Mayor of *Liverpool*; but instead of behaving after such a Manner, and paying Obedience to a Writ of *Mandamus* (occasioned being brought by his Folly and Ignorance) and thereby bringing the Cause to a public Hearing (which in Justice to the Mayor and Council, as well as to myself, he might, and ought to have done) he
has

has studiously risked the Indulgence of the Court to prevent; whereby to occasion all the Expence he can possibly load the Cause with.

I have given you a just and faithful Account of the Steps I have taken in this Affair, according to the best of my Judgment, accompanied with good Advice, That you may be assured I have not delayed a Day, whereby to straiten the Defendants in Point of Time (as both the Worshipful the Mayor and his Deputy must allow) and as Delay of Justice implies a Desire it should not be come at, I leave it to your Consideration, whether you have a Town-Clerk worthy of such a Title.

Where the Expence will fall, I do not pretend to say; but this I am bold to assert, not upon your public Estate, unless by your own Permission; (though I am informed the Mayor is persuaded to believe it will rest there) the Town-Clerk has not one Cloak in his whole Wardrobe that will fit it; perhaps he may find one among the Dock-Garments, that Wardrobe, I acknowledge, has afforded some Jackets which the Commissioners will miss, when they examine Accounts. What I have referred to is not the only Slight which has been put upon the Mayor, respecting both the Duty and Dignity of the Office, which a faithful and honest Town-Clerk should be far from either permitting or conniving at, much less be guilty of himself.

His Predecessor abhor'd the Thought of executing a Trust in that Station, whereby the Reputation of a Magistrate confiding in him, might be in the least injured or lessened; and as he is well remembered by many in Town, I do not hesitate to mention his Character as Town-Clerk of *Liverpool*.

Mr. *Ralph Peters*, notwithstanding that Parties in Town were very warm, during a considerable Part of the Time in which he enjoyed that Trust, though he had his Attachments as well as others, yet he was always true and steady to the Mayor! as he was a Man of sound Judgment, so his Advice to him was always sound and seasonable; he knew his Duty and executed it faithfully; the Dignity of the Mayor's Office was not exposed to Contempt, either through Ignorance or Design; if a Mayor did not fill the Seat of chief Magistrate it was his own Fault. He had a stern Countenance, and a sharp Way of reproving those who stood deserving of it; but tender and compassionate to Objects in Distress. He was so far from pocketing the Property of others, that there was no upbraiding

braiding or abusing Persons for asking for what they had a Right to; He was a sincere Friend and a judicious Attorney; drawing up scandalous and base Cases, not fit to bear the open Light, but intended to answer equally base Purposes, was a Practice he was quite a Stranger to. This Character he is truly deserving of, and worthy the Imitation of a Successor; but what have you? a Family-Piece, whose Conduct and Behaviour, as far as I have represented it, reproaches the Place and Station he possesses, as well as the Prudence and Reputations of those who shew him Countenance. Has Mr. *James Barton* (who was one of the Church-Wardens in 1749) by his Care and Diligence in the Discharge of that Trust, come at the Discovery of several charitable Donations, which he has raked out of the Ashes of either designed Negligence, or Forgetfulness? Has he not, by indefatigable Diligence, kept his Eyes and Thoughts upon them, by time after time remonstrating, both at Vestry and other Meetings, to have his Report examined into? Have not Committee-Appointments for meeting been made for that Purpose? Has not the Town-Clerk, as Clerk to the Vestry, been ordered, and has he not promised to attend? but instead of doing so, has he not either neglected it, or clogged the Wheels of Dispatch by Promises to examine into the Council-Books, without paying further Regard to them? Did not, by the late Mrs. *Warbrick's* Death, a House, (as justly supposed) become the Property of the Poor? and though a Person did, by forcible or clandestine Management (a bad Sign of a good Title) take Possession, and for doing which, the Town-Clerk was ordered to commence a Prosecution; yet, has not this been either neglected, or so unwillingly gone about, that nine or ten Years are expired, and nothing decided? Did not Mr. *Barton*, not longer since than the last Easter Vestry, at their Desire, put his Report into his possession (by which it appeared there was upwards of Six Hundred Pounds due from the Corporation to the Poor) had they not his Promise to lay the same before the Council? Has it not been so neglected and disregarded that some Gentlemen of the Council have promised to take care of it, so that the Council's Determination about it shall be known? Is this Money which will appear to belong to the Poor, designed (after discovered) to be kept from them? No; I believe not; but if Mistakes discovered of so long standing, will not be thought unworthy of the Notice and Regard of the Council; then surely
known

known Plunder committed of a much later Date, should not be thought unworthy of their Notice, however it may lare with the Discoverer of it.

I am very much mistaken if the Town-Clerk can make it appear, that Orders of Committees, and Orders of Council are not different Appointments, not of equal Power and Validity ; I always considered Select Committees accountable to the General Body ; and that Body only to give Sanction to Payments, after Reports made to it. As the Sense and Opinions of Committees in the great Senate of the Nation, are not Acts of Parliament, so neither are the Sense and Opinions of Committees Acts of Council.

Whenever your public Accounts come to be settled, the Town-Clerk and Treasurer will, I think, find it puzzling Work to make Council-Orders and Payments tally ; and I doubt not but it will as much surprize several Gentlemen of the Council, to find some Payments made, as it can do you, who are no way concerned in the Direction of public Affairs.

Are the Town's Affairs better regarded in other Respects? Don't the Magistracy undergo the Censure of the Public? Are not Hucksters and Forestallers in all Branches of Eatables, as diligently and constantly preying upon the Inhabitants, as the Weevles and other Vermin are upon the long-hoarded Corn? are not there great Stocks of decayed Grain of several Species known to be in Town, and by the woeful Experience of the Poor, known to be ground down into Flour and every Day sold? Have not some Millers and Mealmen arrived to that Pitch of open Wick-edness, as to be publicly Purchasers of that Sort of Stuff which Hogs will soon nauseate? Can Wheat bought by them, from Eighteen Pence to Half a Crown a Bushel, publicly known to be rotten, be allowed to be made use of by Persons known to be capable of Practices pernicious and hurtful to their fellow-Creatures, under the Connivance of Magistrates? By these Means the poor are severely punished both with exorbitant Prices, and unwholesome Necessaries.

The Town-Clerk says, he understands the Charter ; if so, he must know that Charter-Magistrates are to be the Conservators of the Community's Rights in these Matters, of too great Importance to be any Way neglected.

His allowing his Servant to invest himself with the Office of one of the Bailiffs, by billeting Soldiers, is making an Officer which the Charter does not know; and his own secreting Things which ought to come before the Council, is a Liberty which ought not to be assumed. Though these are Abuses put upon the Magistracy, which do not immediately affect the Community in general; Excrescences which may be lopp'd off at the pruning Season; yet those irregular Steps which justly cause Reflections to be cast upon Magistrates, loudly call for Censure and Resentment; for the Public are Sharers in the bad Consequences of such Work.

I call upon the Town-Clerk to make Tryal, if he pleases, whether Impudence can out-face Truth; let him publickly charge me with having said any thing of him which I cannot justify and make good, he shall have a ready Answer, no way evasive, without my begging time to give it in; he may rest assured that by me he shall not be trilled with.

I find, in an eminent Gentleman's Retainer-Book, an Entry made, which, to you, I think, must appear shocking; as it explains the Town-Clerk's Intention, beyond the Power of Dispute, or Evation; it is, *The Mayor, Bailiffs and Common-Council against the Burgeses*. This must certainly be a convincing Evidence what you are to expect from his Management; when you see those who are your Guardians and Trustees (or at least should be such) by his Means setting themselves in Battle-Array, and instead of appearing Defenders of your Rights, retaining Council, whereby to accomplish the Destruction of them (and, I dare say, intended by Means of your own public Purse) what is it that you can imagine such a Person will stick at? Look back upon his Conduct for several Years past, and consider whether you can point out any one Step whereby to bring about the Ruin and Destruction of your Rights as Free Burgeses, which he has not been concerned in taking; nay, so far from you being enabled to do it, he is not able to point out one himself. While you Burgeses are humbly laying your Grievances before the Council, and respectfully imploring their Aid, Protection and Assistance, your Town-Clerk is seeking means to establish the Exercise of Arbitrary Power upon the Ruins of your Liberties.

I remember when the Order of Council for my Expulsion was wrote down and read, some Gentlemen said, I ought to have a Charge given me in writing; this occasioned the mention of a Paragraph contained in

one of my Papers, which was alledged to be forbidding the Debtors to the Corporation to pay any Money to the Treasurer ; but it happened to be only the Recital of a Paragraph contained in the Burgesses Protest, delivered to the Mayor, and afterwards read in Council ; if there was any false Doctrine contained in the Protest, any thing heterodox, which the constitutional Laws could not support, why has it not been taken under Consideration, and the Fallacies, if any contained in it, laid open and confuted ? It contained nothing either insarling or disrespectful ; but on the contrary, respected the momentous Concerns of the Corporation, and will be found to be of Force and Efficacy to oblige and compel Arbitrary Power to bow the Neck and submit to the legal Exercise of constitutional Appointments ; for the Charter is either a Rule for Government, or no Rule ; if a Rule, then it ought to be adhered to as such ; but if otherways, then a Common-council can have no Charter-Existence ; it is only a Body of Brass supported by Legs of Clay ; but there is a Charter, which is a Bar to any Plea of a Prescriptive Right, or other Manner of conducting the public Concerns of this Town, except what is agreeable to Charter-Law, and a Deviation from that Rule, as it is unconstitutional, so it is illegal, arbitrary, and indefensible.

Your Protest is founded upon the Charter, which is too solid a Foundation to be sapped and undermined by Orders of Council in contradiction to it ; Prescriptive Right, Usage, Custom, and Upright Conduct, are become exploded Arguments, laid aside like useless Implements, or Tools unfit for Service ; so that your Town-Clerk is now reduced to the scandalous Necessity of drawing up Cases not fit to be seen ; How secure were some Persons made to be, by depending upon his Law, Word and Honour, in their Cause against *Whitfield*, but the last Year, and how he served them they can witness ; and I will venture to say, the present Cause depending, will no more be brought to a Hearing than that was.

For my own Part, as I have hitherto, so I hope I shall always continue to declare my Sentiments relating to the Concerns of the Corporation openly and freely, and I trust (that as it was far from my Intention) I have not deceived you in any one Point ; nor have I wronged, to the best of my Knowledge, any one Member of the Council whom I have charged with male Practices which I could not justify ; nor have I
been

been accused of having done so ; I have been far from dealing in dark Hints and Ambiguities, the meanest Capacity has been able to comprehend what I meant by what I have said.

The Sum of Money which I have declared to be due and owing to the public Estate of this Corporation, amounted to near Eight Hundred Pounds, and I have said, intended to be concealed from the Knowledge of the Public, or applied to their Use ; is a Sum, I think, above being thought too trifling to be enquired after by the Public's Trustees ; however, if they can satisfy themselves in the Reflections of their own Minds, for declining to examine into that and other Accounts, it gives me no Uneasiness that I have made the Discovery of them. I remember a Question put to me in the Council-Assembly by Mr. *Scrope Colquhoun* ' Whether it could be supposed that Gentlemen accepting a public Trust, ' as Members of the Common-council, whereby they devoted so much ' Time to transact the Public's Concerns, without other Consideration ' than their Regard for the Interest of the Public, could or would put a ' Slur upon their own Honour and Reputation, by behaving inconsistently with Justice and Integrity ? ' For Want of a retentive Memory, I may vary some of the Words, but I do no Injustice to the true Sense and Meaning of the Question, and I remember several other Gentlemen expressed themselves to the same Purpose. Now how far such Conduct and Behaviour as I have mention'd on other Occasions, as well as in this Publication, may appear to you a proper negative Reply, I leave to the impartial Consideration of those who please to give themselves the Trouble of perusing them, allowing at the same Time, that nothing has appeared to confute what I have asserted ; Suppositions, in many Cases, may appear to be strong negative Proofs ; they rise no higher ; but Facts supported by Demonstration, are conclusive Arguments not to be baffled.

If, by Misfortunes of one Kind or other, I have impaired my worldly Circumstances, it is a Calamity which has but too frequently happened to others ; but I am the first Person that was ever excluded from being a Member of the Common-council for a Misfortune of that Kind ; therefore it alleviates my Concern, that though I have been exclaimed against for several Years past, only for exposing to the Public, what I thought to be wrong and unjustifiable in the Manner of conducting Measures : ver

there has not a single Champion appeared to attempt to confute me, except by a little low Ribaldry *Pop'd* upon me; Is there nothing else to oppose my Reasonings? Do not they thereby tacitly allow them to be out of the Power of Confutation? Do they confide in Strength of Numbers, and thereby decline to regard what I or any body think or say. If this is the Case, they are paying me a high Compliment, and the Impartial will consider them behaving with little Reputation to themselves.

While I remain convinced and satisfied in my own Heart and Conscience that your Cause is the Cause of Liberty, highly worthy of your Care to support and maintain, and while I cannot avoid adopting the Sentiments of an Author of deserved Esteem, which are, 'That Liberty is 'Heaven's richest Gift to Man, that it invests him with a Power of thinking, speaking and acting for himself; the original Right of Nature, and the covenanted Right of a *Briton*, and whoever he be that barter it away for any Consideration, makes a knavish or a foolish Bargain.' I say, while I adhere to these Sentiments, I hope nothing but your Desertion of me, will cool my Abilities (weak as they are) to do you the best Service in my Power.

The Importance of this Subject to the Community in general is too interesting (however weakly supported) to require any other Apology from me, than my Inability to conquer and overcome Prejudices which in some have long taken deep Root against me; however, being conscious to myself that I am embarked in a just and truly good Cause, and which the Success of will, I hope, bring about the Attainment of a valuable End, it occasions my being no way flagged or wearied in the Pursuit of it.

The Rebukes which I have too frequently met with (not from Enemies to the Cause alone, such, I believe there are few, but from faint Friends) make no other Impression upon me, than to add Life and Vigour to such Measures as I shall judge consistent with Duty and Prudence to pursue; for what Public Good can be expected from Determinations of Cabals, while it is thought necessary to cherish and support them, even in so small a Community or Body as the Members of the Common-council consist of? while what are to be the Acts and Decrees of a Council (previous to being ratified and made such in a Council-Assembly) are to be brought into Rehearsal before a selected few; and the Doctrine of
Secrecy

impressed upon the Minds of those who are looked upon scarcely in any other Light than as dead Votes in a Council-Assembly ; what other Light can such Proceedings be looked upon to appear in, than that such Persons thereby become Dupes and Tools to one another ? and supposing that the secret Workings of Disapprobation harbour in the Breasts of some, there they remain undisclosed, upon a wrong grounded Notion, that they should only be a Minority, and consequently unsuccessful ; What can this be otherways thought of, than a tacit betraying Judgment in the Discharge of a public Trust ? and thereby rendering a single Opposer but the more liable to be considered as a Person of a litigious Disposition, and consequently to be looked upon with a still greater Degree of Contempt, as being an Enemy to that Peace which would otherwise subsist, even untill the lawless Exercise of arbitrary Power became firmly seated, and Vassallage so effectually entailed upon you, as neither to be rooted out, nor so much as disturbed.

This I take to have been my Situation, which, though it gave me Concern, yet, I preferred remaining in it to the purchasing Harmony at the Expence of abandoning Reason, Judgment, and the Tranquility of my own Mind ; for not opposing I take to be nothing less than a tacit Consent.

If the Gentlemen have any Arguments to advance in Opposition to these my declared Sentiments, they will oblige me by imparting them ; I shall acknowledge it a grateful Return for the Pains I have taken, to furnish them with all the Knowledge of the Laws of Government belonging to the Duty of their Trust as Guardians and Trustees (I never extended their Power further) that I am Master of ; If I have any way overstretched them in your Favour, I desire they will let me know it, for I have not designedly attempted any such Matter. There is one thing which, on this Occasion, I cannot well avoid the mention of, though it revives the Memory of a Gentleman which otherwise I wish may rest in Quiet.

It is well known to many of you, that the late Mr. *Salisbury* had for many Years the Appointment of Persons to supply Vacancies in Council as such happened, Recommendations to him were cautious Addressès ; and none were admitted until after such Time as he was well assured their political Principles were according to his System, and thoroughly reduced to his Standard ; and I know as well as some Gentlemen now of the Coun-

ail do themselves, that they were kept in the Purgatory of Probation before they could be entered into his Muster-Roll.

By this Means he plumed himself ABOVE, that by his Power and Influence the Jacobites and Tories in this ancient and loyal Corporation were kept within the Bounds of proper Restraint; Obedience to his Will being the Standard of Loyalty, and a Revolt from it was falling from Grace; and I can say this for myself, that I was never looked upon and reckoned among the Number of the Reprobates, until he found I was endeavouring to give a Check to the Exercise of an enslaving Power.

If I am not mistaken this Sort of Work is attempted to be mimicked by the Town-clerk; for some late Cases are larded with Hints of a dangerous Degeneracy, if the Council's Measures should be any Way frustrated; and from my own Observation I believe it true, that some Persons who have been so indulgent to their own Reason and Judgment, as to shew me Countenance, lie under the Suspicion of having sucked in such Principles of Disloyalty, as may have a Tendency to break in upon and disturb the Peace and Tranquility of the Corporation at this Time; but the Truth is, the Mist of Ignorance, and the Lust of arbitrary Power, are so dispelled and weakened, that the Burgessees discern, and comfortably begin to feel the Difference between Good and Evil, and that they do so, I hope is not owing to being Partakers of any forbidden Fruit.

I desire here to be considered as confining myself to, and regarding the Concerns of this Corporation only; because considered as a Part of the national Community, his Majesty has not a Spot in his whole Extent of Territory, where the Principles of religious and civil Liberty are better or more generously cultivated and maintained, or Party Distinctions less noticed than in this Place; therefore pretended Suspicions so much as hinted at, respecting Loyalty, are both silly and wicked; they are like a masked battery, which can be no way dreadful while it is well known there is no Ammunition to supply it, not only so, but the Gunner dismist the Service.

An Invasion of your Charter Rights (which being a Breach of your *Magna Charta*) is the only Ground of Dispute and Difference, and the Steps which have been hitherto taken by you, are, I think convincing Evidences, that you have imputed the Pursuit and Practice of unconstitutional

tional Measures, more to Ignorance than Design, but Ignorance is now done away.

The Measures which are now pursued with respect to the great and important Concerns of the Nation, as they have stopped the Mouths of Parties, so they have dried up the Pens of Party-scriblers; and if the Gentlemen of the Council will but lay aside, what I hope I may call mistaken Prejudices, and forbear the Exercise of illegal Power, and thereby secure to themselves much greater Reputation by considering the Charter as the Law, and the Requirements of it the Rule of Conduct, they may be assured I will lay down the Pen with Pleasure; except to express publicly your grateful Thanks, accompanied with your Regard for them as a respectable Body; and your Desire and Readiness to have such By-laws constituted for the well governing this ancient, loyal, and populous Corporation, as will be expressive of the great Confidence you are ready to place in them as your Constituents; and which may render the Duty of their Trust in the Execution of it, as easy, and agreeable, as the Nature of it will permit according to your best Judgment and Power; this, Gentlemen, I take to be the Boundary of your Wishes.

The national Laws are wisely calculated to fix Boundaries between Governors and governed, (with a just Proportion of Freedom limited to both) without which there would be nothing but Confusion and Distraction among us.

The Laws of this our incorporated Society are subordinate to them, being founded upon their Basis; therefore the more particular Immunities and Privileges which you have a Right to, and ought to enjoy, are nothing less than Regal Donations, too sacred to be any way trampled upon and abused; but the just Observation of them, the bounden Duty of every individual Member of the Corporation; and for those Gentlemen, who by Charter Appointment are to be the Conservators of them, not to pay a suitable Regard to them as the Rule of Government; What is it less than despising that Authority from which alone they derive Power, and erect despotic Government upon its Ruins? How far the Gentlemen of the Council's Sentiments may harmonize with mine, I cannot pretend to say; but my own, I have truly and sincerely expressed, and which I hope I shall always remain firm and unshaken to, until I am convinced of Error by stronger Reasons than I am now Master of; then, if Conviction does

does not take Place, your Desertion of me will be but a just Punishment for my Obstinacy ; but the Happiness of our Constitution is such, that a Departure from Reason and Judgment is Incense, which a *British* Subject has no Right to offer to Majesty itself. View Liberty in its native Light, it must appear amiable to you, and how much Enjoyment will exceed Speculation, you may soon experience, if Venality and Fear do not gain a Conquest over your Wishes. If Speculation affords a Degree of Pleasure, what is it in Comparison of a lasting Fruition or Enjoyment of it? Do you confess that Aliens and Strangers are now much more free than yourselves in several Respects? Are the more particular Immunities and Privileges which by Charter you are invested with, (as Affairs are conducted,) become a Burden to you? Then cease for once being too partial to yourselves, lay your Hands upon your Hearts, and duly consider, how much you contribute to your own Sufferings, how much you consent to make your own Reason, Judgment, and Consciences subservient to, and the Property of others, where Obligations are no way adequate to what you part with.

Is *Esau* recorded in sacred History as an Object of Reproach for parting with his Birth-right for a Mess of Pottage? but do not you make yourselves harder Bargains, and thereby contribute to entail the Consequence of doing so upon Posterity? Trade and Business have their different Connections, by which the Welfare of Societies is maintained and supported, and as in all Societies, there are different Ranks, a greater or lesser Degree of Respect is certainly due from the highest Personage down to the meanest Plebeian.

What leads me to make this Remark is the mistaken Notions of many Persons, especially of the middle and lower Class, or Rank ; who, like some Birds, are so captivated by the piercing Eyes of a Species of Serpents, that they are resistless of Power to escape falling a mournful Prey to their voracious Jaws. What do those Persons do less, who after they have declared their Love of Liberty, and after lamenting their own unhappy Situations arising from their Fears, make an unwilling Sacrifice of their Reason and Consciences to avoid falling Victims to the Resentment of those, whose Conduct declares them the Patrons of Vassalage?

I would not by what I have now mentioned, desire to be considered as intending you to throw off that just Regard, which is certainly due and
owing

owing to Superiority ; but at the same Time to consider yourselves happily residing in a Land of Liberty, where neither a Superiority of Birth or Fortune gives such Superiority to the Possessors of them, as to controul your Reason and Judgment, wherein your Compliance denominates you merely the Vassals of arbitrary Power.

The Persons who make purchases of Goods you traffic in, or who employ you in labouring Work, have their Interest or Pleasure in view by applying to you, and expect a valuable Consideration for their Money ; if they find you transgressing the Bounds of Honesty, respecting either the Wares or Labour they purchase from you, they desert and despise you, which is a just Resentment for your perfidious Way of serving them.

Particular Friendships give a Right to Preference, but when these Friendships are to be, not only purchased by Wares or Labour, but Reason and Conscience upon particular Occasions thrown into the Bargain ; you thereby entail upon yourselves Uneasiness in the Reflection of your own Minds, you become the Betrayers of your own Liberties, and bring upon yourselves Punishments, which by such Conduct you become principally the Procurers of.

If you will but make the Comparison between former and present Times, (in doing which you need not go many Years back) consider and compare them together, and you can be at no Loss to find out the principal Causes of the great Hardships you now labour under, and I likewise hope an easy Method to get extricated from them.

Not longer since than 1749, the Fines for Freedom voted that Year amounted to more than Six hundred Pounds. But in nine Years, or near it, since that Time put together, I believe it may be found there has not been near that Sum. Mr. *Fazakerly's* Case came then to be publicly known, it was then discovered, that the Common-council's By-laws durst not make their Appearance in a Court of Justice ; however the Town-clerk was ordered to have another Opinion, whether the Council had or had not Power to make By-laws, the Opinion was clear they had not ; but it was secreted from being made known to the Council, only partially communicated ; for, in 1751, a Petition to his Majesty was secretly drawn, sent up, and solicited by the Town-clerk, in order to obtain a Charter-power to make By-laws by the Council only.

This Scheme being defeated, and the iniquitous Design of it discovered; it was but reasonable to expect, that those Gentlemen, who were inadvertently brought in to consent, that the common Seal should be prostituted to give Weight to so destructive an Attempt, would resent their being thus treated; but, instead of that, a liking of the Exercise of arbitrary Power, whereby to keep you under a slavish Subjection, has given Countenance to your Town-clerk's playing the many low and mean Tricks he has done under their Connivance and Protection; whereby you see the Council have set all your humble and respectful Remonstrances at nought, and retained Counsel, (the Signs of War in this Case) whereby to support arbitrary Power.

The Charter-laws, tho' they are now so well known, are so far from being the Barrier of your Liberties, that they openly set them at Defiance, by conducting Measures in known Opposition to them.

The great Favours which one Family have received from the Town in general, instead of being gratefully acknowledged, have served to invest them with a Power greatly prejudicial to your common Interest, having apparently made Use of it to render your Rights and Privileges, (with the Assistance of Family, and other Connections,) in a great Measure their own illegal Property, whereby they have brought your public Concerns greatly too much under their own Direction and Management.

The Head of the Clan was in 1734, honoured with your Choice of him to be one of your Representatives in Parliament; who, by way of a grateful Return for that Favour, had the Honour in 1736, to be concerned in cheating you out of the Prizage Revenue, and clandestinely applying it's Income to the Payment of some private Debts, which durst not be brought to make their public Appearance; after that to the Use of the Council, to be a good Refuge on any Occasion as they might want it.

One Son, (by the Power and Influence in the Place and Station which your Suffrage placed him) to be your Town-clerk; and another the Receiver General of the Land and Window Taxes; and who by your Regard for him, was placed at the Head of a public Trust, (no less honourable and important than being your Mayor in 1751,) in which Year it was clandestinely attempted (as before observed) to have the Power of

of making By-laws vested in the Common-council only; with the private Aid and Assistance of the other Son the Town-clerk, whose Conduct and Behaviour has been of a Piece, in prostituting the Trust and Confidence placed in him to Purposes destructive of your Charter Rights; place and consider him as Clerk to the Docks, as Clerk to the Parish-vestry, or Town's-clerk, view him in what Light or Position you think proper, he is like a *Manx* Penny, one Leg and Foot like another.

By what I have said, I do not consider myself as striking any thing out which is either new or can be Matter of Surprize to you, for you are my Cloud of Witnesses to vouch for the Truth of what I assert, and as such, if what I have only reminded you of, impeaches the Reputations of those I have referred to, they only are the Causes of it; for while Truth maintains its own Prerogative, (which I hope will always be the Case,) I consider myself under the Canopy of its Protection.

If any thing I have said of the Town-clerk (in a more particular Manner) impeaches or strikes at some Sort of Honour, which I remember he once spoke of, and charged me with in the Council-assembly, and which he then declared he set a high Value upon, (but what it was I never heard, nor have I Penetration enough to imagine,) I hereby invite him to let me know it, by falsifying any one Thing I have said, but not in a scrubby evasive Way, nor by his accustomed *Billingsgate* Appellations; those being neither Points of Law, Equity, nor good Manners, becoming the Place and Station of a Town-clerk of *Liverpool*. Truth makes its best Appearance in its naked Dress, allow the Term, for tho' I have heard honourable mention made of *naked Truth*, yet I have likewise heard of it being decorated and adorned both in gaudy and plain Dress, the latter Ornament I have made Choice of, and if the Town-clerk likes the Fashion, I shall be glad from him it may make the like Appearance.

I have, in what I now offer to your Perusal, paid a strict Regard to Truth, respecting every thing I have asserted; and if there is any thing in it which impeaches the Reputations of People undeservedly, you may, and have a Right to expect a Contradiction as public as I have made the Charge; otherwise Silence will set the Seal of Truth to every thing I have asserted, and make it appear the Cause of such Assertions arises from themselves. Power bolstered up and supported by such Prac-

tices, is far beneath the Dignity of Honour and Reputation to give countenance to, or what the Law can be pleaded to justify.

Your Recorder will be in Town in a few Days, to attend the Mayor's Court, and be assisting to his Worship in such Business relating to the Law as will then come before him; and, as I presume that Gentleman will not consider his Opinion of Matters relating to the Concerns of this Corporation in general, the Property of the Common-council only, it is not to be doubted, but that he will oblige the Burgessees with his Opinion relating to what concerns their Rights, upon Application to him.

Though you may think I have treated the Subject I have been upon, with Plainness and great Freedom, I have been in no Hurry or Passion about it; and I desire to assure the Town-Clerk, I have yet Stock in reserve for him; but I expect he will, ere long, make his Appearance in a Coat of his own shaping, and that you will allow, it fits him compleatly.

I am,

GENTLEMEN,

LIVERPOOL,
July 23, 1758

Your very humble Servant,

JOSEPH CLEGG.

P O S T.

P O S T S A C R I P T.

ON Friday the 14th Instant, I was discharged from being one of the Commissioners for the Docks, by the Council ; which was no more than what I expected, having expressed to the Treasurer my Disapprobation of some Transactions relating to those Concerns ; and the Commissioners whenever they appoint and have a Meeting to examine into them, will, I dare say, be far from approving of ; if it be for the general Interest of Trade to have the heavy Load of Debt eas'd which the Docks lie under ; it certainly is both the Duty and Prudence of the Commissioners to have a further Inspection into the Dock-Accounts than just seeing whether the Account current for the Year stands rightly ballanced upon Midsummer-Day. The Mayor, Aldermen and Common-Council, by the several Acts of Parliament are Trustees, and their Conduct as such, liable to the Inspection of the Commissioners ; and more than that, if they see Occasion for it. I know this is not agreeable to the Town-Clerk's Law ; but the Acts of Parliament will be a better Guide to Knowledge than his Head-piece ; besides, the Common-council, as such, know little, if any thing, how those Affairs are ordered, as they are left to the Direction and Management of a selected Few,

F I N I S.





A COPY of the BURGESSES of LIVERPOOL Their PROTEST.

T O T H E *Liverpool - Burgesses*

Worshipful *Richard Hughes* Esq; MAYOR, or his Deputy;

T H E

Aldermen, Bailiffs, and Gentlemen of the Common Council,

O F T H E

Borough *and* Corporation of LIVERPOOL.

WHEREAS there have been several REMONSTRANCES presented to, and laid before you in Council assembled, complaining of the Hardships and Grievances of various kinds which we, with our Fellow Burgesses, labour under, and praying Redress; but our said REMONSTRANCES have not been so attended to as to give us ground of Hope that you would take our Case under your Consideration, or afford us any Relief: And whereas it is now known to us, That several Sums of Money, which we consider as being the Property of the Public, have been applied secretly, to Purposes greatly detrimental to our Interest, and particularly the Sum of ~~Four Hundred~~ and Ninety-eight Pounds Nine Shillings, which Mr. *Wm. Pole*, the Corporation Treasurer, received from the late *Tho. Salusbury* Esquire by his Agent, and for which he gave a Receipt for the Use of the Corporation, has been since repaid to the said *Tho. Salusbury* Esquire; which we look upon to be an illegal, arbitrary, and unjustifiable Step, tending greatly to diminish the Public Revenue of this Corporation: And whereas we are informed of other Transactions in Council, greatly detrimental to the public Interest and Advantage of the Corporation:

WE therefore, in our own Names as Members of the UNION SOCIETY, as well as in the Names of many others of our Fellow Burgesses interested in the Public Estate of this Corporation, do hereby enter our PROTEST against the said Sum of *Four Hundred Ninety-eight Pounds nine Shillings* being so repaid to the late *Thomas Salusbury* Esquire by the said Mr. *William Pole*, on a Pretence of it's only being lodged in his Hands as a Deposit, by Way of Security that the said *Thomas Salusbury* Esquire should meet with no Opposition at the then approaching Election of Members to serve in Parliament, for this Borough and Corporation; which we look upon as being a flagrant Instance of deceiving the Public, and a Misapplication of the Public's Money at the same time.

WE PROTEST against the future Admission of any Person or Persons to fill up or supply any Vacancy or Vacancies in the Common Council, otherways than by and with the Approbation and Consent of the Mayor, Bailiffs and Burgesses at a Common Hall Assembly, or untill a By-Law is made by the said Mayor, Bailiffs and Burgesses, investing a Common Council with such Power, as the Charter directs.

WE PROTEST against your borrowing any Money for the Use of the Corporation, and giving the Common Seal as a Security for the same, and against any Public Accounts being settled and passed, untill a Committee of Persons who are not Members of the Common Council, be appointed by the Mayor, Bailiffs and Burgesses in Common Hall assembled, to have the Inspection of the Public's Books, and to be assisting in settling the same.

WE PROTEST against any Debtors to the Public Estate, paying Money into Mr. *William Pole's* Hands, untill ordered by the Mayor, Bailiffs and Burgesses in Common Hall assembled, and against any Action being commenced and prosecuted, against any Burgesses or Lease Tenant for such Refusal.

WE PROTEST against the Public's Money being expended in the Defending any Prosecution against the Worshipful the Mayor, if he refuses to summon a Common Hall.

WE PROTEST against Mr. *Francis Gildart*, for going up to *London* to solicit a new Charter in a clandestine Manner, tending to destroy the Rights of the Burgesses, without having so much as an Order of Council for his so doing; and for his Secreting the Petition for a New Charter, by not suffering a Copy of it to be entered in the Council Book; and for his Entering down in the said Book an imperfect Abstract of what the Petition contained.

WE PROTEST against the Practice of obliging Persons who have a Right to Freedom, by Birth or Servitude, to pay *One Shilling* for having their Names entered, signifying their Desire to become Sworn Burgesses.

THIS done by Us, as a COMMITTEE appointed by the Burgesses of the UNION SOCIETY, and Burgesses not of that Association this 18th Day of June, 1757; and confirmed by a very considerable Number of Burgesses this 27th of July, 1757, And Published by their Order.

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